

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANTHONY JACKSON,

Plaintiff,

vs.

**NATIONAL ASSET RECOVERY
SERVICES, INC.,**

Defendant.

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Case No. 1:09CV 125 LMB

MEMORANDUM AND ORDER

This matter is before the court on defendant's Motion for Sanctions and/or Motion for Involuntary Dismissal. (Document Number 30).

The court issued a Case Management Order on February 22, 2010, indicating that the parties were to complete their discovery by September 24, 2010. (Doc. No. 21). Defendant served plaintiff with its first interrogatories and first request to produce documents. Plaintiff did not respond to these requests, prompting a motion to compel on June 15, 2010. (Doc. No. 27). On June 16, 2010, the court ordered plaintiff to respond to defendant's discovery requests within twenty-one days of the Order. (Doc. No. 29). Plaintiff again failed to comply with defendants discovery requests and the court's order, and defendant subsequently filed its motion for sanctions.

On October 15, 2010, the court issued an Order to Plaintiff to Show Cause and Order Extending Discovery Deadline, in which the court directed plaintiff to show cause within fourteen days of the date of the order why he has failed to obey this court's order of June 16, 2010, and why sanctions should not be imposed on him. The court cautioned plaintiff that failure to obey the order may result in the imposition of sanctions, including the dismissal of his Complaint.

On November 10, 2010, plaintiff filed a Response to the court's order to show cause, in which he states that he lacks sufficient funds and no longer wishes to pursue this action. (Doc. No. 35). On November 17, 2010, defendant filed a Reply to Plaintiff's Response to Show Cause. (Doc. No. 36). Defendant states that plaintiff has failed to show good cause for his failure to obey the court's June 16, 2010 discovery order and has indicated his intent to effectively abandon his lawsuit. Defendant requests that the court dismiss the matter.

Plaintiff has failed to comply with this court's discovery order and has expressed his intent to abandon this action. As such, the court will dismiss plaintiff's Complaint without prejudice.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion for Sanctions and/or Motion for Involuntary Dismissal (Doc. No. 30) be and it is **granted**.

IT IS FURTHER ORDERED that plaintiff's Complaint be and it is **dismissed without prejudice**.

Dated this 8th day of December, 2010.



LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE